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No. 02-1346

IN THE SUPREME COURT OF THE UNITED STATES

H. BEATTY CHADWICK,
PETITIONER

v.

BARBARA JEAN CROWTHER CHADWICK

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

BRIEF OF *A MATTER OF JUSTICE EDUCATIONAL FOUNDATION* AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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A. INTERESTS OF *AMICUS CURIAE*.

A Matter of Justice Educational Foundation ("AMOJEF") is the registered nonprofit arm[1] of *A Matter of Justice* ("AMOJ"), a national coalition of grassroots organizations and thousands of otherwise unaffiliated individuals united by the common goal of improving the administration of justice in the United States. Consistent with

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[1] AMOJEF is registered with the Internal Revenue Service pursuant to Sec. 501(c)(3) of the Internal Revenue Code.

this goal, AMOJ also offers assistance in specific instances in which justice has been demonstrably denied, particularly those with broader implications for the Constitutional rights of the citizenry. AMOJ believes that justice continues to be denied to H. Beatty Chadwick, Petitioner, after his imprisonment of more than eight years and that his imprisonment has profound implications for a society that professes to adhere to the rule of law and to accepted norms of human and civil rights.[2]

Furthermore, while AMOJEF cannot provide authoritative statistics at this time, its leadership believes, based on anecdotal evidence, that there is a growing reliance by State courts on civil contempt sanctions without affording accused contemnors the opportunity for jury trials or the due process protections that should accompany the imposition of serious deprivations of liberty.

Through counsel Respondent, Barbara Jean Crowther Chadwick, has consented to the filing of this *amicus* brief, as has the Petitioner. Their written consents are included herein as Exhibits A and B.

B. STATEMENT OF THE CASE.

Petitioner, H. Beatty Chadwick, was adjudged in civil contempt of a July 22, 1994, order by the Court of Common Pleas of Delaware County, PA, upon a finding, by the court, that he had fraudulently prevented that court from acquiring jurisdiction for equitable distribution of some $2.5 million in

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[2] Pursuant to Supreme Court Rule 37.6. *Amicus* states that no counsel for any party herein prepared any part of the instant paper, nor is any monetary transaction related to preparation of the instant paper subject to the reporting required by Rule 37.6.

marital assets and then had refused to deposit such an amount with the court. Petitioner was arrested and imprisoned on April 5, 1995, and has remained imprisoned. Unable (or unwilling) to post a bail of $3 million, he now has been imprisoned for more than eight years.

Adduced from the original trial proceedings, an appeal to the Pennsylvania Superior Court, an original proceeding before the Pennsylvania Supreme Court, and proceedings on seven petitions for *habeas corpus* relief, the record is devoid of any objective evidence suggesting that Petitioner has ever been any more able or willing than on July 22, 1994, to comply with the order that he deposit $2.5 million with the court. Thus, if the present impasse continues, Petitioner will live out the remainder of his life in the Delaware County jail.

C. SUMMARY OF ARGUMENT.

Amicus argues first that the Eighth Amendment entitles Petitioner to immediate release from a "civil" imprisonment of eight years, and continuing, that has become punitive as well as substantially excessive in relation to his wrongful refusal, according to various judges sitting as fact-finders, to produce $2.5 million for equitable distribution in State divorce proceedings. *Amicus* urges further that Mr. Chadwick's continued and excessively lengthy imprisonment also violates his due process rights, particularly the right to a trial by jury, in that the potential for "serious" (*i.e.*, lengthy) confinement was apparent at the time of the State trial court's finding Mr. Chadwick in "civil" contempt. Obviously the seriousness of Mr. Chadwick's confinement has been increasingly evident.

D. ARGUMENT.

D.1. The Eighth Amendment bars Petitioner's continued imprisonment.

Amicus is aware of no other contempt sanction in our nation's judicial annals, with the possible exception of those involving physical safety of others, that rivals the eight-plus years of imprisonment that Petitioner has endured. Such a draconian sanction is grossly disproportionate to the nature and gravity of Petitioner's alleged offense. Accordingly, Petitioner should be released forthwith.

To establish that Eighth Amendment protections are available for relief from his present imprisonment, Petitioner must show first that the sanction that he has actually incurred is punitive. A highly relevant consideration in making that showing is that the sanction appears excessive in relation to its avowed *nonpunitive* purpose. *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 169 (1963).

Clearly, if imprisonment would coerce compliance with its order as presumably intended by the State trial court, a confinement of far less than eight years would have sufficed – or six years and nine months, as of the time of the federal district court's grant of *habeas* relief.[3] And if a lesser period

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[3] It seems clear that each court that denied *habeas* relief must have been aware at the time it did so that Mr. Chadwick would serve many more months or even years as a result of such denial. Thus the full impact of each denial is not captured when the denial is considered simply as rejecting such relief as of the time when the petition was filed or when the decision was issued.

of confinement could reasonably have been expected to be productive, then the present length of incarceration – eight years – must be deemed excessive in light of its avowed nonpunitive purpose. Similarly, in light of the length of *unproductive* incarceration that has already transpired, there is no reliable means to calculate what additional length of imprisonment – *if any* – would be likely to succeed in coercing the desired compliance. Thus, the sheer excessiveness of Mr. Chadwick's imprisonment is likely to be exacerbated.

These circumstances leave a proponent of Mr. Chadwick's continued incarceration without the means to meet *any* evidentiary burden: Given the time that Mr. Chadwick has already served and assuming *arguendo* that he has the means to comply with the subject order of the State trial court, there simply is no way to predict either *whether* or *when* he would comply, and thus no way for the proponent of his sanction to meet even a preponderance standard.

The federal district court concluded:

> For eighty months, Chadwick has refused to comply with a valid state court order to deposit $2,500,000.00 in marital assets with the court; *this renders unreasonable the belief that continued incarceration will have a coercive effect.* Chadwick has the present ability to comply, *but the duration of his imprisonment has crossed the line from coercive to punitive, and requires his release.* [Emphasis supplied.]

The third Circuit's reversal of the district court holds, woodenly, that the confinement imposed upon Mr. Chadwick is coercive, because it found, as every other court that had reached the question, that he had the means to comply. The

meaning of this holding is clear: so long as it is found that Mr. Chadwick has the means to comply, his imprisonment is coercive, and it may continual "indefinitely". Third Circuit slip opinion at 24-25, quoting from *United Mine Workers v. Bagwell*, 512 U.S. 821, 828 (1994).

Therefore, by the third circuit's reasoning, the imprisonment challenged here could continue literally for the rest of Mr. Chadwick's lifetime, and could so continue regardless of the likelihood of compliance. Or, put another way, the Third Circuit has said that no civil contempt sanction can be excessive as long as the contemnor has the ability to comply but hasn't done so.

Thus the Third Circuit's holding frames with exquisite clarity the question that *Amicus* urges this court to answer: Does the Eighth Amendment afford protection against a civil contempt sanction that, as this court found in *Kennedy*, *supra*, consists of imprisonment potentially for life? Is not such a sanction *excessive* in relation to its avowed nonpunitive purpose – indeed, in relation to *any* nonpunitive purpose? "Civil" imprisonment for life is excessive by any measure, and every measure, and certainly it is excessive when measured against the nonpunitive purpose of compelling the payment or production of money.

Another formulation leading, circuituously, to the same conclusion: If a serious sanction is ineffective to accomplish its avowed nonpunitive purpose, then it is punitive. U.S. *v. Bajakajian*, 524 U.S. 321, 329 (1998) ("civil" forfeiture of currency following conviction for exporting currency without reporting did not serve a remedial purpose and was punitive for the purpose of applying the double jeopardy clause).

Once it is shown that the challenged sanction is in

fact punitive, then a showing that the sanction is grossly disproportionate to the wrong committed would entitle the sanctioned party to Eighth Amendment relief. *Solem v. Helm*, 263 U.S. 277, 290 (1983) (sentence of life imprisonment without parole for issuing a $100 bad check, after six prior felony convictions, found grossly disproportionate); *Harmelin v. Michigan*, 501 U.S. 957 (1991) (controlloing concurrence by Justice Kennedy) (preserving, as *stare decisis*, *Solem*'s "grossly disproportionate" standard for proportionality analysis while qualifying need for further, "Intra- and inter-jurisdictional analyses").

Furthermore, whether the sanctioning proceeding is labeled "civil" or "criminal" is not dispositive of the applicability of the Eighth Amendment. *Austin v. U.S.*, 509 U.S. 602, 608 (1993). ("Civil" in rem forfeiture is subject to Eighth Amendment); *Bajakajian, supra.*

Rather than rely on the label attached to a particular proceeding, courts seeking to discern the true nature of a proceeding should engage in a "particularized assessment of the *penalty imposed* and the purposes that the penalty may fairly be said to serve." "A civil sanction that cannot fairly be said *solely* to serve a remedial purpose, but rather can only be explained as also serving either retributive or deterrent purposes, is *punishment*, as we have come to understand the term." [Emphasis added.] *U.S. v. Halper*, 490 U.S. 433, 448 (1989) (action for civil penalty following criminal conviction based on the same conduct violates the double jeopardy clause).

When punitive sanctions are reviewed for Eighth Amendment purposes, *Harmelin* teaches that, after deference to the legislatures, courts should first make a "threshold comparison of the crime committed and the sentence

imposed" to determine whether that comparison "leads to an inference of gross disproportionality". If so, then there should be a "comparative analysis of sentences . . . to validate an initial judgment that a sentence is grossly disproportionate to a crime." *Id.* [The foregoing passage is found at Paragraph 126 of the report of *Harmelin* found at 1991.SCT.43664 <http://www.versuslaw.com>.] The comparative analysis referred to is consideration of the following objective factors: (1) sanctions imposed on others sanctioned in the same jurisdiction; (2) the sanctions imposed for the same offense in other jurisdictions. *Solem*, 463 U.S. at 290-291, but with the foregoing factors numbered as (2) and (3).

Here, in order to assess the gravity of the wrong that Petitioner was ordered to rectify, it is helpful to recognize that Petitioner's wrong was essentially private and economic. Significant also is the lack of any attempt, during the nearly nine years since he was found in contempt, to prosecute Petitioner criminally for this asserted wrong.

In considering the sanction imposed and incurred by Petitioner *vis-a-vis* sanctions imposed on others in the same jurisdiction, it is significant that if Petitioner had been found to have violated a *final* divorce decree, rather than an *interim* order issued to allow the court to make determinations that would have been included in a final divorce decree, the maximum sanction would have been six months' imprisonment. 23 PA C.S. § 3502(e)(6).[4] Or if Petitioner had

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[4] Section 3502(e)(6) of Title 23, Pennsylvania Consolidated Statutes, provides as follows:

> **(e) Powers of the court.** – If, at any time, a party has failed to comply with an order of equitable distribution, as provided for in this chapter or with the terms of an agreement as entered into between the parties, after hearing, the court may, in addition to

been sanctioned for an *indirect* criminal contempt, the maximum sentence would have been 15 days. 42 PA C.S. § 4132, 4133.[5]

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any other remedy available under this part, in order to effect compliance with its order:

* * *

(6) issue attachment proceedings, directed to the sheriff or other proper officer of the county, directing that the person named as having failed to comply with the court order be brought before the court, at such time as the court may direct. If the court finds, after hearing, that the person willfully failed to comply with the court order, it may deem the person in civil contempt of course and, in its discretion, make an appropriate order, including, but not limited to, commitment of the person to the county jail for a period not to exceed six months.

[5] The above-cited statutes provide, in pertinent part, as follows:

§ 4132. Attachment and summary punishment for contempts.

The power of the several courts of this Commonwealth to issue attachments and to impose summary punishments for contempts of court shall be restricted to the following cases:

* * *

(2) Disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court.

(3) The misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.

§4133. Commitment or fine for contempt.

Except as otherwise provided by statute, the punishment or commitment for contempt provided in section 2132 (relating to attachment and summary punishment for contempts) shall extend only to contempts committed in open court. All other contempts shall be punished by fine only.

§4136. Rights of persons charged with certain indirect criminal contempts.

(a) General rule. – A person charged with indirect criminal contempt for violation of a restraining order or injunction issued

Finally, in weighing the sanctions imposed for civil

by a court shall enjoy:

(1) The rights to bail that are accorded to persons accused of crime.

(2) The right to be notified of the accusation and a reasonable time to make a defense, if the alleged contempt is not committed in the immediate view or presence of the court.

(3)(i) Upon demand, the right to a speedy and public trial by an impartial jury of the judicial district wherein the contempt is alleged to have been committed.

(ii) The requirement of subparagraph (i) shall not be construed to apply to contempts:

(A) Committed in the presence of the court or so near thereto as to interfere directly with the administration of justice, or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court:

(B) Subject to 23 Pa.C.S. § 6114 (relating to contempt for violation of order or agreement).

(C) Subject to Pa.C.S. §4108(c) (relating to nonjury criminal contempt proceedings).

(4) The right to file with the court a demand for the withdrawal of the judge sitting in the proceeding, if the alleged contempt arises from an attack upon the character or conduct of such judge, and if the attack occurred otherwise than in open court. Upon the filing of any such demand, the judge shall thereupon proceed no further but another judge shall be designated by the court. The demand shall be filed prior to the hearing in the contempt proceeding.

(b) Punishment. Except as otherwise provided in this t8itle or by statute hereafter enacted, punishment for a contempt specified in subsection (a) may be by fine not exceeding $100 or by imprisonment not exceeding 15 days in the jail of the county where the court is sitting, or both, in the discretion of the court. Where a person is committed to jail for the nonpayment of such a fine, he shall be discharged at the expiration of 15 days, but where he is also committed for an definite time, the 15 days shall be computed from the expiration of the definite time.

contempt in other jurisdictions, *Amicus* notes that Federal law limits, to 18 months, the duration of a contempt sanction for refusal to testify before a grand jury. 28 U.S.C. § 1826(a)(2)[6]. Furthermore, Subsection (c) of that same statute limits – to

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[6] Section 1826 provides, in its entirety, as follows:

Sec. 1826. Recalcitrant witnesses

(a) Whenever a witness in any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal, or when such refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or provide such information. No period of such confinement shall exceed the life of -

(1) the court proceeding, or

(2) the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred, ***but in no event shall such confinement exceed eighteen months.*** [Emphasis supplied.]

(b) No person confined pursuant to subsection (a) of this section shall be admitted to bail pending the determination of an appeal taken by him from the order for his confinement if it appears that the appeal is frivolous or taken for delay. Any appeal from an order of confinement under this section shall be disposed of as soon as practicable, but not later than thirty days from the filing of such appeal.

(c) Whoever escapes or attempts to escape from the custody of any facility or from any place in which or to which he is confined pursuant to this section or section 4243 of title 18, or whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempt to escape of such a person, shall be subject to imprisonment for not more than three years, or a fine of not more than $10,000, or both.

three years' imprisonment and a fine of up to $10,000 – the sentence for *escaping, aiding the escape, or attempting either to escape or aid the escape* of an individual to frustrate the confinement mandated by Subsection (a). Weighed against the enormity of wrongs that could be the subject of (unsuccessful) attempts to coerce testimony before a federal grand jury, and the substantially greater harm, both actual and potential, that could flow from violations of Subsec. (d) of Section 1826, the wrong found against Petitioner is decidedly modest.[7]

Furthermore, even where there is no legislative direction as to the length of confinement for particular conduct, courts do not have unbridled discretion, but must exercise this extraordinary power – to sanction contempts – "with the utmost sense of responsibility and circumspection". *Green v. U.S.*, 356 U.S. 165, 185 (1958) (upholding three-year sentence, imposed without benefit of jury trial, for contumacious failure to surrender documents).

In sum, *Amicus* submits that the Eighth Amendment's

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[7] It comes to mind, from accounts in the popular press, that at least one individual who confessed to multiple Mafioso "hits" testified before a federal grand jury concerning the late John Gotti. Had this individual refused to testify, he obviously could have deprived law enforcement of information concerning major criminal enterprises and thus caused (or contributed materially to) incalculably greater harm to public and governmental interests than the acts and omissions charged to Petitioner. Indeed, refusals to give grand jury testimony concerning criminal activities present a different dimension of wrongdoing and thus are simply not comparable to the wrongs dealt with here. Yet Petitioner has thus far served a period of imprisonment that is more than fivefold greater than the maximum period of imprisonment for a contumacious refusal to testify before a federal grand jury.

protection against grossly disproportionate punishments requires the release of Petitioner.

Amicus submits further that it is proper to raise the foregoing argument to seek Eighth Amendment relief in light of Petitioner's thorough discussion of his asserted due process rights in his Petition filed herein. *See*, Question 1 of the Petition and corresponding Argument.

D.2. In light of the"serious" and potentially continuing deprivation of Petitioner's liberty that became apparent within six months after the commencement of his imprisonment, Petitioner's Sixth Amendment right to a jury trial and his right to due process have been violated by his continued confinement.

Of particular significance, *Amicus* believes, was the trial court's failure to accord Petitioner the opportunity for a jury trial, which has been increasingly a matter of concern to this Court during the past 50 years. This concern resulted finally in *Bloom v. State of Illinois*, 391 U.S. 194, 196-97 (1968), in which this Court held that a lower court's imposition of a 24-month sentence for probating a spurious will had erred in failing to afford the accused contemnor a jury trial. The *Bloom* court stated that convictions for criminal contempt are indistinguishable from ordinary criminal convictions and that a "serious" criminal contempt sanction could not be imposed by the state absent such a trial.

Bloom left undisturbed this Court's civil contempt jurisprudence, which allowed imprisonment for *civil* contempt without the protection of a jury trial. *Shillitani v. United States*, 384 U.S. 364, 365 (1966). In the latter case, the contemnor was imprisoned until he agreed to testify before a

grand jury, but this court vacated the sentence, since the term of the grand jury had expired and it was impossible for the witness to fulfill the condition.

Then came *United Mine Workers v. Bagwell*, 512 U.S. 821 (1994), in which the court held that a $52 million fine, characterized by the state court as a civil sanction (and which had been announced in advance of the contempt) was sufficiently serious to be characterized as "punitive in nature" and thus to require the opportunity for a jury to determine issues of disputed material fact. *Bagwell* calls into question the distinction between civil and criminal contempt, 512 U.S. at 827, N.3, and bases its decision upon the seriousness of the sanction and the need in such case for an impartial fact finder, *id.*, at 831-32, 834,[8] rather than nomenclature. The *Bagwell* court was not confronted with the question of when to deem a deprivation of liberty to be sufficiently serious to require the opportunity for a jury trial, but its general endorsement of the principle that a jury trial must be offered when the potential sanction is "serious" clearly indicates that the Sixth Amendment applies in situations where a serious deprivation

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[8] Although *Bagwell* clearly indicated that it was dealing with due process that should be afforded in a civil context (*id.* at 831), a number of lower federal courts have interpreted *Bagwell* as applicable only to contempts traditionally characterized a "criminal." *American Airlines, Inc. v. Allied Pilots Association*, 228 F.3d 574, 583 (5th Cir. 2000); *N.Y.N.O.W. v. Terry*, 159 F.3d 86, 93 (2nd Cir. 1798); *Mackler Productions Inc. v. Cohen*, 146 F.3d 126, 129 (2nd Cir. 1998); *Harris v. City of Philadelphia*, 47 F.3d 1311, 1329 (3rd Cir. 1995); *Grove Fresh Distributors, Inc. v. John Labatt, Ltd.*, 888 F. Supp. 1427, 1436, n. 8-9 (N.D. Ill. 1995). The reluctance of lower federal courts to apply the holding of *Bagwell* suggests that this Court should make clear that due process now requires a jury trial in all cases where a serious sanction is imposed and a material fact issue must be decided.

of liberty is reasonably foreseeable.

It is clear, moreover, that imprisonment for more than six months generally is regarded as a serious sanction. Although a "serious" deprivation of liberty is not quantified in *Bagwell,* the *Bagwell* court cited another case involving a six-month incarceration to illustrate what it considered to be such a "serious" deprivation. The case cited by the *Bagwell* court, at 512 U.S. 837, n. 5, was *Muniz v. Hoffman*, 422 U.S. 454, 477 (1975), which held that six months in jail is a serious matter for any individual. *Cf. Cheff v. Schnackenberg*, supra, and *Blanton v. North Las Vegas*, 489 U.S. 538, 541 (1989), both holding that six months' imprisonment divides petty and serious sanctions.

Since the imprisonment order in the instant case is unconditional, the imprisonment here should, for that reason alone, be considered punitive or criminal. *Gompers v. Bucks Stove & Range Co.*, 221 U.S. 418, 442-53 (1911) (12 month sentence for violation of a labor injunction had no coercive force and was punitive). Accordingly, *Bloom* requires that Mr. Chadwick be accorded a jury trial, since the order effecting his imprisonment did not meet the exception for a conditional order in *Shillitani*.

Although the imprisonment order has not been amended to add a condition, the lower courts have treated it as containing a condition that release is conditioned upon performance of the order underlying the contempt – to deposit $2.5 million in cash with the court. Even if such a condition is implied, the eight year imprisonment is a serious sanction as to which a jury trial is required under *Bagwell,* and also on the basis of *Amicus'* preceding argument concerning the availability of Eighth Amendment protections.

Like *Bloom* (from which it quoted with approval), the

Bagwell court was concerned that because contempt "often strikes at the most vulnerable and human qualities of a judge's temperament," 512 U.S. 831, "an even more compelling argument can be made for providing a right to jury trial as a protection against the arbitrary exercise of official power." Citing to *Bloom*, 391 U.S. at 202. Thus, both *Bloom*, in providing for jury trials for serious criminal contempts, and *Bagwell*, in providing for jury trials for all serious sanctions for contempt without regard to the label applied by the sanctioning court, relied upon the same due process rationale: to make certain that impartial fact-finding was provided for, and to insure that the label applied by the sanctioning court, whether "civil" or "criminal", makes no difference in the due process guarantee against arbitrary power.

Nowhere is it more important to safeguard this guarantee than in the preservation of the right to a jury trial before causing a person to suffer serious imprisonment, as the court recently recognized in another context, acknowledging the right to a jury trial as to matters affecting the length of sentence. *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

E. CONCLUSION.

Common wisdom teaches that persons ordered by a court to perform or refrain from performing an act cannot be permitted to ignore such an order. There comes a time, however, when continued imposition of a contempt sanction is so excessive as to become a disservice to the court, by undermining the court's *moral* authority. We believe that a court must retain its moral authority.

Here, it may well be that Mr. Chadwick has indeed refused for all these years to comply with the State court's

order while being fully able to do so. But the court's determination that he has that ability and that continued confinement will eventually procure the desired compliance has become profoundly suspect, and, even if the determination was correct when made by the State court, the passage of eight years has transformed Mr. Chadwick into a victim. A victim of his own recalcitrance, all of the reviewing courts have concluded, but a victim also of the sanctioning court's misperception of his amenability to coercion. And now he has suffered a sanction that is seriously disproportionate to the avowed purpose of that sanction, and seriously disproportionate to the procedural protections – or, in truth, the *lack* of procedural protections – that to date have been afforded him.

We believe Mr. Chadwick's confinement long ago exceeded the outer limits of coercion and thus became punitive, and unsupported by rational application of pertinent law. We believe his confinement also has exceeded the bounds of appropriate criminal punishment for deliberate defiance of the State court's order.

Mr. Chadwick should be released immediately.

Respectfully submitted,

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IN THE SUPREME COURT OF THE UNITED STATES

H. BEATTY CHADWICK,

Petitioner

V. Docket No.: _____

BARBARA JEAN CROWTHER CHADWICK,

Respondent

ooOoo

CONSENT OF RESPONDENT, THROUGH COUNSEL, TO FILING OF *AMICUS CURIAE* BRIEF BY A MATTER OF JUSTICE EDUCATIONAL FOUNDATION

Respondent, through her undersigned counsel, hereby consents to the filing of an *amicus curiae* brief by A Matter of Justice Educational Foundation, a 501 (c) (3) non-profit association dedicated to judicial reform.

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IN THE UNITED STATES SUPREME COURT

H. BEATTY CHADWICK,

Petitioner,

V. Docket No.: 02-1346

BARBARA JEAN CROWTHER CHADWICK,

Respondent.

ooOoo

PETITIONER'S CONSENT TO FILING OF *AMICUS* BRIEF BY A MATTER OF JUSTICE EDUCATIONAL FOUNDATION IN SUPPORT OF HIS PETITION FOR A *WRIT OF HABEAS CORPUS*

Petitioner, H. Beatty Chadwick, CONSENTS to the filing of an *amicus* brief by A Matter of Justice Educational Foundation in support of his Petition for a *Writ of Habeas Corpus*.

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